

FSSAC Quarterly Meeting

February 24, 2005

MACo Building

Helena, MT

Members Present: Diana Colgrove (acting chair), Kelly Johnson, Ted Maloney, Phyllis Astheimer, Sandi Marisdotter, Ron Herman, Susie Morrison, Lucy Hart-Paulson, Barb Stefanic, Dan McCarthy, John Clymer

Others Present: Erica Swanson (DDP Child & Family Liaison), Jackie Emerson (recorder- DDP Program Assistant)

Diana welcomed everyone and those present introduced themselves.

There were no changes to the agenda.

There was no quorum of members.

The minutes from the previous meeting were reviewed. The spelling of Sara Eyer's name on the 5th page will be corrected. There were no other changes noted.

FSS Certification: Spring Certification will be held on June 7th and 8th. Notices will be going out to request the final count of applicants and then to inform participants of their interview times and to request portfolios.

The handbook and competencies for certification will need to be reviewed and changed in response to the changes made to IDEA.

Part C Funding: Sandi Marisdotter reported that Billie Miller testified at the Legislature regarding Part C. Senator Cobb has proposed adding \$90,000 (\$180,000 over the biennium) to funding for FES, which is where funds have been from to fund the growth in Part C. It will need to go through the process for approval. Family Outreach is still experiencing growth in Part C even though they have not been aggressive with Child Find.

Council Appointments: The Governor's Appointment Secretary, Patti Keebler, has said that the Council should go ahead with business as usual. The Council membership will probably not be reviewed for another 2 months and even then the Governor's office will take the Council's recommendations for members.

Annual Performance Report: (handout – FY03 APR) A group of providers and staff met on February 16th to help Erica gather data for the FY04 APR which will be due on March 31. OSEP wants to see the APR used to determine what needs to be accomplished and where the program may not be in compliance throughout the year and not just as a reporting tool for the end of the year. OSEP is requiring a movement toward hard data so that it can be compared across states and programs. Each state will be assessed using the Government Performance and Results Act (GPRA) and the Performance Assessment Rating Tool (PART). Unlike years past soft data such as consumer evaluations will no longer be accepted.

IDEA: In December 2004, President Bush signed the changes to IDEA. Although the changes will be implemented in July, states will only be expected to show that they are moving toward compliance at this time. A December 3rd target date is set for publication of the final information from IDEA regarding the changes that will be required.

The NECTAC website will be valuable to keep up with information regarding the changes. It can be accessed at www.nectac.org.

Erica will be attending a conference in Salt Lake City on April 21 and 22 for presentations regarding the changes to IDEA.

State Application: This year's Application will require DDP to look at their interagency agreements and State rules for possible changes that will be required. The State will be required to show that rule changes are being developed. A new checklist will be published with target dates to accomplish these tasks.

IDEA General Supervision Enhancement Grant (GSEG): Montana was awarded an IDEA/GSEG grant to help develop methods to collect and analyze Part C data. As Co-Project Directors Ted and Erica will be working to improve the current tool and system of data collection and reporting. Ted reported that the IDEA changes will require the most amount of work since the beginning of the Infant Toddler Program in Montana.

DDP Update:

DDP change: Since the last meeting of the FSSAC, the Child and Family services within DDP have moved from the Program Support Bureau to the Community Services Bureau, which is headed by Tim Plaska.

Legislature:

- SB 433, Senator Lind's bill regarding medical savings accounts, proposes a pilot of 50 people for the next 2 years. If passed, the bill would allow placing up to half of the unused general fund dollars from a person's cost plan into an account for future or emergency use. The bill would require a separate system for billing. After the pilot, the project may be written as an 1115 Demonstration Waiver.
- Representative Lange's bill proposes that children that would age out of services could be allowed to stay in school until age 19. Some school districts already allow this. It is unsure how many would be helped but it has opened the discussion of Waiting List issues.
- Rates Commission (HB 738): Senator Kaufman has proposed a bill to set up a commission to oversee a 2 year study on how rates are established across all DPHHS services. The Commission would report to the next Legislature with the results of the study.
- HB1271 sponsored by Rep. Mendenhall to change the definition of seriously developmentally disabled so that is no longer includes the term "total care" has moved through the House and on to the Senate. There has been no opposition.
- Transmittal will take place February 23rd. Bills must be passed by the chamber they are in or they will be dead.
- The Holly Raser Bill from last session allowed tax donations to be made to the DD Program. No donations were reported during the first tax season. The bill is due to sunset but may be extended.

- SB 150, the Deeming issue, has moved out of the House to the Senate. The possible copay is seen as a fairness issue to other agencies. The most recent survey by DDP has shown that, if this bill were enacted, less than 20 of the 330 individuals in IFES will be required to make a copay. The cost of administration would outweigh the benefit to the agency. Currently, 60% of the families in IFES are eligible for a Medicaid card without the Deeming Waiver.
- All funding in the Governor's proposed budget passed Executive Action on Friday (Feb. 11). The budget included funds to move 15 people from the Waiting List and crisis funds for the Travis D. lawsuit settlement.
- The DD Program may receive funds from the Cigarette Tax fund. These funds may not be consistent through future years.

Rates Project: The Pilot for the Project started with 42 people who have individual cost plans. DDP has committed to visit with all 42 of these individuals along with their Case Managers and families to see how they perceive the changes that are occurring and what changes they might desire in their services.

- The RFP for the remainder of the Project is in the process now and the contract should be awarded by the middle of April and Phase 2 of the Project will begin. During May and June additional individuals will be added to the Pilot.
- The Project Manager position is currently vacant. The new manager will be hired during the next 2 weeks.

Quality Assurance policy: The new Incident Management and Incident Reporting Policy will have standards for QA statewide. At the present time, trending is difficult and the reporting database will make it easier to provide data to answer Legislative questions. The Policy also includes a quality investigation process that will help to ensure consistency.

Personal Support Planning (PSP): Peggy Ogle and Diane White of Program Design, Inc. of Florida presented a 3 day conference in Butte in November and have since been working with Case Managers and a newly formed Steering Committee to design a Person Centered Planning system specifically for Montana. The Steering Committee will be chaired by Rebecca Hargis (CM for ORI in Havre) and will include many different people across the DD system of services. The group has scheduled monthly meetings through October and will be finalizing the PSP system design so that implementation and training can begin next year. The group has voted to use the term "Personal Supports Planning" and has developed a vision statement. Personal Supports Planning will replace the current IP system. The Case Managers are very supportive about the changes.

- A section of the Davis Deshaies website (www.davideshaies.com) will be devoted to this aspect of the project and the products being developed.
- March 14, 15, and 16th Peggy Ogle will be bringing a parent (Jadene Ransdell) and a Support Coordinator (Michelle Dean) from Florida to present information on the changes from the former system of services there and the positive effects that the new system of rates and Person Centered Planning have made in the life of Jadene's son as well as other individuals and families. Because of the short time available, meetings are planned for Billings, Bozeman, and Helena. Plans have been made to also videotape the presentation so that it can be distributed to those around the state who cannot be present. A flyer is being sent out to all individuals in services advertising dates and locations.

Part D/Social Security changes: In June a letter will go out regarding changes for everyone who is dually eligible for Medicaid and Medicare. They will be required to choose only one plan by

November 15 or one will be chosen for them. This will be a significant issue for those now getting medications paid for by the plans. The different plans will have different costs for different formularies. It is uncertain how many will be affected by the changes. Case Managers will be key in explaining the differences to help people choose.

GSEG (General Supervision Enhancement Grant) work that needs to be done: (Abstract handout)

OSEP felt they needed to give states additional funding to help implement the changes they are requiring. The grant will focus on 2 main areas of the Part C program. The first focus will be Outcomes or developing or enhancing outcome indicators and methods to collect and analyze Part C outcome indicator data. The grant will provide collaboration with the ECO (Early Childhood Outcomes) Center as well as NECTAC.

The other focus will be developing or enhancing State Early Intervention Practices. The model will include development of a new dissemination component for online resources for early childhood practices. An effort will be made to make sure mid-managers get the information needed to build the practices into in-service training. OSEP will be looking at ways to offer technical assistance.

Project officers for the grant will be Jackie Twining-Martin and Jennifer ~~Shenz~~ Tschantz. No cost extensions will probably be available after the first year if the project is not completed.

Child Count (618 report): (handout) The total number of children receiving services is up from last year. Dan stated that the number of children reported on Table 3, Line 5 under “Part B Eligibility Not Determined” has been declining over the years which is a good thing. Ted reported that the grant work will look at the reliability of that data and the consistency of how is it defined and reported across the State.

APR response (handout letter) In discussions about the response to OSEP’s review of the FY03 APR, Jackie Twining-Martin said that she is confident that Montana provides good services but needs hard data to prove it and to allow trend analysis. Transition plans will need to be done or reported as such – there are no excuses not to. If there is no current trend data, DDP needs to start collecting it. The data collected for this response provided a good start for future APR’s.

Interagency agreement – DDP and CPS: John Clymer and Erica have been working on the interagency agreement regarding CAPTA. They are seeking legal guidance from the DPHHS Legal Department regarding referral forms, the screening protocol, and guidelines for when a parent needs to be present and when they do not need legal permission from a parent.

Agency Reports:

Ted: The Child Find Project evaluation is being wrapped up. And the contract with DDP for the GSEG is being developed.

Phyllis: Family Outreach in Bozeman is working with physicians and medical providers on medical referrals.

Sandi: There have been no rate increases in several years and staff retention is becoming hard to maintain. Expansion would be good.

Susie: We are in our 2nd semester of training and have 10 students.

Lucy: There is a grad student working with the clinic who is planning on staying. Only 1 out of 9 people return who leave Montana to get their Masters in Speech Therapy.

Congratulations to Lucy on receiving her Doctorate in December!

Barb: Have 2 classrooms in Laurel with over 40 kids. Eighteen will be moving to kindergarten. There is a Child Development Clinic coming up in Laurel. We are please with recent hires from North Dakota – it is a comparable program to Montana.

Dan: Dan reported that, like the DPHHS/DDP, OPI special education staff were busy preparing the Annual Performance Report (APR) for the Office of Special Education Programs (OSEP).

Three areas of concern were the focus of Dan's work:

- Cluster Area II: Early Childhood Transition,
- Cluster Area IV Free Appropriate Public Education,
- Probe BF V: Least Restrictive Environment/Setting of Service, and
- Probe BF VI: Early Language/Literacy/Social emotional skills.

These concerns address the questions: Do young children with disabilities experience a smooth transition from the IDEA Part C Early Intervention program, and do they become ready to succeed in kindergarten?

Dan gave an overview of the changes in special education practices likely to result from the IDEA 2004, pending clarification in the Federal Regulations anticipated in December 2005. He stressed that concerns related to K-12 policies, procedures, and practices mesh with those governing preschool special education.

- Collaborative work with data collection will enable better quantitative description of program outcomes.
- Revisions to the Interagency Agreements between OPI and DPHHS/DDP will bring transition from Parts C to B into clearer focus and enable children with disabilities to experience a smooth transition.
- The need to address practices for identifying children with Learning Disabilities will impact evaluation procedures for all other disability categories as the Response to Intervention model comes into play. This model emphasizes the results of scientifically documented interventions as critical components of evaluations to determine both the nature of the student's disability and the need for special education.
- Evaluation practices will focus more intensely on academic success and social emotional effectiveness at all ages and grades, again in relation to interventions applied and outcomes measured.
- Dan and Diana Colgrove discussed the similar terms, "early intervention" and "early intervening", as he described how a portion of Part B funds can be used to support the intervening activities for students, kindergarten through high school but especially those in early elementary grades, who are not yet IDEA-eligible.
- Dan discussed several issues related to the Individualized Education Program (IEP) and transition-related practices.
 - ✓ Support for local education agency participation in development of transition plans within the Individual Family Service Plan (IFSP)
 - ✓ The 60-day maximum timeline between the district's receipt of parental consent for evaluation and the meeting to determine whether the student has a disability and needs special education
 - ✓ Provision of notice to the early intervention agency inviting it to send a representative to the meeting to develop an initial IEP

- ✓ Consideration of the IFSP when developing the initial IEP
- ✓ Briefly addressing some of the Procedural Safeguards issues that changed last December.
- Other changes that may emerge from OPI's work with stakeholders to meet the challenges of the IDEA 2004 included:
 - ✓ The implementation of a disability category named: Developmental Delay
 - ✓ The possible elimination of the term, Child Study Team, and
 - ✓ Revision of evaluation practices and procedures.

John: CAPTA – Social Workers have been trained and are making referrals. It is working better in some areas than others the process is being streamlined.

Diana: As a representative of the FSSAC, Diana has been attending meetings of the Montana Special Education Advisory Panel. Some of the information she has gathered:

- Schools can use 15% of their budget in Special Ed area.
- There is concern from parents over the understanding that if a parent goes through Due Process and fails and goes back again, the school district can sue lawyers for filing a frivolous lawsuit. Parents and lawyers may be hesitant to go to Due Process. (It was noted that 3 of the 4 steps of Due Process take place with no lawyers so there are 3 opportunities to resolve the issue.)
- Of the Speech Therapist job openings in the State, 30-40% have no applicants and another 30-40% have only 1-2 applicants. The same is said of Special Ed teachers.

Meeting Dates for 2005:

May 18th

August 10 & 11 – Annual Summit

November 3rd

The meetings will tentatively be scheduled from 9:30 – 3:30.